

REMARKS

In the Office Action dated December 30, 2003, claims 1, 4-6, 15, 17, and 18 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 6,512,756 (Mustajarvi); claims 2, 3, 16, and 19 were rejected under § 103 over Mustajarvi in view of U.S. Patent No. 6,584,098 (Dutnall) in view of U.S. Patent No. 6,628,617 (Karol); claim 7 was rejected under § 103 over Mustajarvi in view of U.S. Patent No. 6,456,627 (Frodigh); claim 8 was rejected under § 103 over Mustajarvi in view of Frodigh and Karol; claim 9 was rejected under § 103 over Mustajarvi in view of Frodigh and U.S. Patent No. 5,815,495 (Saitoh); claim 10 was rejected under § 103 over Mustajarvi in view of Frodigh, Saitoh, and Dutnall; and claims 20 and 21 were rejected under § 103 over Mustajarvi in view of U.S. Patent No. 6,320,873 (Nevo).

Applicant confirms the election of the invention of Group I (claims 1-10 and 15-21). Withdrawn claims 11-14 and 22-39 have been cancelled, without prejudice to filing the claims in a divisional application. Also, newly added claims 40-49 all depend (directly or indirectly) from claim 1, 7, 15 or 18, and thus are part of the invention of Group I.

Applicant respectfully submits that claim 1 is not anticipated by Mustajarvi. Claim 1 recites a controller to transmit and receive data through an interface over a network according to a *packet-switched protocol*. The Office Action stated that Frame Relay is a packet-based protocol that is used over the Gb interface between an SGSN and a BSC. Implicit in this statement by the Office Action is the assertion that a Frame Relay protocol is a packet-switched protocol. Applicant respectfully disagrees, as such an assertion is contrary to understandings of "packet-switched protocol" by persons of ordinary skill in the art. The fact that the Frame Relay protocol is a *packet-based* protocol does not make the Frame Relay protocol a *packet-switched* protocol. By definition, a packet-switched protocol is a connectionless protocol. The definition of the packet-switched protocol is provided by the present specification. *See, e.g.*, Specification, p. 5, ll. 11-18. In fact, the present specification explicitly states that a Frame Relay network differs from a packet-switched network, since a Frame Relay network is connection-oriented. *See* Specification, p. 5, ll. 19-23. This understanding of the term "packet-switched" is consistent with the definition of the term by persons of

ordinary skill in the art. *See, e.g.*, techdictionary.com, <http://www.techdictionary.com> (defining "packet-switched network" as a network that does not establish a dedicated path through the network but, instead, transmits data in units called packets in a connectionless manner) (attached).

In view of the foregoing, it is respectfully submitted that Mustajarvi does not disclose the subject matter of claim 1.

Given the proper definition of a packet-switched protocol, which is a connectionless protocol, the Office Action conceded that Mustajarvi does not disclose a connectionless protocol. *See* 12/30/2003 Office Action at 6 (rejections of claims 2, 3, 16, 19). However, the Office Action asserted that Dutnall and Karol can be combined with Mustajarvi to achieve a controller being able to transmit and receive data through an interface (adapted to communicate with a cell site over a network) according to a packet-switched protocol. Applicant respectfully submits that Dutnall and Karol does not provide any teaching of transmitting or receiving data through an interface to a cell site according to a packet-switched protocol. Although Dutnall describes GPRS as providing connectionless, packet-switched support for data transmission, that by itself is *not* an indication that data can be communicated through an interface to a cell site according to a packet-switched protocol. In fact, the background section of the present application describes conventional GPRS wireless networks in which the Gb interface between an SGSN and a base station is according to the Frame Relay protocol. *See* Specification, p. 2, ll. 14-34.

Dutnall does not provide any hint that the Gb interface between the SGSN 50 and BSC 23 (*see* Figure 5 of Dutnall) departs from conventional designs, which employ Frame Relay as the communications protocol over the Gb interface. In fact, Dutnall refers to a packet dedicated network (GPRS) 50, 51, 52 (*see* Dutnall, 9:44-45), without indicating the BSC as being part of the packet network. This is an indication by Dutnall that the Gb interface between the SGSN and BSC contemplated in Dutnall is a conventional Gb interface according to the Frame Relay protocol.

The Office Action also cited Karol as somehow providing a suggestion for modifying Mustajarvi to provide a packet-switched Gb interface. However, Karol actually does the opposite, as Karol describes the differences between connectionless

networks and connection-oriented networks. In fact, Karol states that connectionless networks and connection-oriented networks have "fundamental distinguishing features." Karol, 1:19-21. This emphasizes the distinction between communicating data through an interface according to Frame Relay versus communicating data through an interface according to a packet-switched protocol. Karol thus will lead a person of ordinary skill in the art away from the claimed invention, rather than toward it.

In view of the foregoing, it is respectfully submitted that there is simply no suggestion or motivation to combine Mustajarvi, Dutnall, and Karol to achieve the claimed invention. Moreover, the hypothetical combination of Mustajarvi, Dutnall, and Karol does not teach or suggest each and every element of claim 1 (none of the references even remotely suggests the use of a packet-switched protocol to communicate through an interface to a cell site). Therefore, requirements of a *prima facie* case of obviousness have not been established with respect to claim 1.

Independent claims 15 and 18 are similarly allowable over the cited references.

Independent claim 7 was rejected over the asserted combination of Mustajarvi and Frodigh. Mustajarvi does not disclose a module to communicate with a system controller according to a packet-switched protocol. Frodigh also does not provide any suggestion whatsoever of such a module to communicate with a system controller to communicate according to a packet-switched protocol. Frodigh depicts a standard circuit-switched wireless network. Figure 1 of Frodigh depicts BSCs 16 connected to an MSC 14. No indication is made of providing a packet-switched protocol for communications between the BSCs 16 and MSC 14 of Frodigh. Therefore, the hypothetical combination of Mustajarvi and Frodigh does not teach or suggest each and every element of claim 1. A *prima facie* case of obviousness has thus not been established with respect to claim 7.

All dependent claims, including newly added dependent claims 40-49, are allowable over the cited references for at least the same reasons as for corresponding independent claims.

Moreover, in view of the defective obviousness rejection of base claim 7, it is respectfully submitted that the § 103 rejections of dependent claims 8-10 are also defective. Also, because of the defective application of Mustajarvi to base claim 18, the § 103 rejection of dependent claims 20-21 over Mustajarvi and Nevo is also defective.

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In view of the foregoing, all claims are in condition for allowance, which action is respectfully requested. The Commissioner is authorized to charge any additional fees, including extension of time fees, and/or credit any overpayment to Deposit Account No. 20-1504 (NRT.0027US).

Respectfully submitted,

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